

**RESPONSE UNDER 37 CFR §1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 3738**

**IN THE CLAIMS**

1-26. (Canceled)

27. (Currently amended) A method of treating a ~~patient~~ patient having a spinal deformative, wherein said patient includes a first vertebra and a second vertebra, the first vertebra having a generally vertically extending first peripheral wall and a first cortical bone endplate and the second vertebra having a generally vertically extending second peripheral wall and a second cortical bone endplate, said method comprising:

selecting a spinal implant defining a longitudinal axis and comprising a first terminal part, an opposite, second terminal part, an upper, first surface and a lower, second surface extending arcuately along the longitudinal axis from the first terminal part to the second terminal part and wherein said first terminal end includes a first bearing surface adapted to bear against a portion of the first cortical bone endplate proximate to the first peripheral wall and an opposite second bearing surface adapted to bear against the second cortical bone endplate proximate to the second peripheral wall; and

implanting the implant between the first vertebra and the second vertebra wherein the first and second terminal parts are positioned interior of the first and second peripheral side walls.

28. (Currently amended) The method of claim 27 comprising removing a portion of the first cortical bone endplate and a portion of the second cortical bone endplate with a tool having a cutting portion including a pair of generally parallel opposing surfaces, each surface having a first arcuate cutting edge corresponding to the upper surface of the implant and an opposite second arcuate cutting edge corresponding to the lower surface of the implant.

29. (Previously Presented) The method of claim 27 wherein said spinal implant is formed of a material selected from the group consisting of: titanium, a composite, a ceramic, bone, stainless steel, and surgical steel.

30-46. (Canceled)